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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LINDA SBLENDORIO, individually,) 2:23-cv-00917-GMN-MDC
vs.)
Plaintiff,) **STIPULATION AND ORDER TO**
) **EXTEND DISCOVERY**
)
ALBERTSON'S LLC, a Foreign Limited-) **(Third Request)**
Liability Company; DOES I-X; inclusive; and)
ROE CORPORATIONS I-X, inclusive)
)
Defendants.)

Plaintiff LINDA SBLENDORIO (“Plaintiff”) and Defendant ALBERTSON’S LLC (“Defendant”), by and through their respective counsel, hereby stipulate and agree to an extension of all remaining discovery deadlines by sixty days (60 days). The parties propose the following revised discovery plan:

Pursuant to LR 26-3, it is respectfully submitted that the parties' failure to request the instant extension of discovery twenty-one (21) days prior to the deadline for Rebuttal Expert Disclosure was the result of excusable neglect. Specifically noting the failure to request the extension was a mere oversight by the parties. *Bateman v. US Postal Service*, 231 F.3d 1220 (9th Cir. 2000). Further: 1) there is no danger of prejudice as the extension is stipulated by the parties; 2) a sixty (60) day extension will not impact a trial date because the same has not been scheduled; 3) the parties, their respective Counsel, and witnesses have been limited in appearing for deposition due to the Covid-19 pandemic; and 4) the requested extension is made in good faith by

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1 both parties. *Pioneer Investment Services v. Brunswick Associate's, Ltd.*, 507 U.S. 380, 395
2 (1993).

3 **I.**

4 **DISCOVERY COMPLETED TO DATE**

5 1. The parties held a telephonic conference pursuant to Fed. R. Civ. P. 26(f) on June 30,
6 2023.

7 2. On July 20, 2023, Plaintiff served her initial disclosure of witnesses and documents
8 pursuant to Fed. R. Civ. P. 26(a)(1).

9 3. On July 26, 2023, Defendant served its initial disclosure of witnesses and documents
10 pursuant to Fed. R. Civ. P. 26(a)(1).

11 4. On August 4, 2023, Defendant served initial written discovery on Plaintiff. Plaintiff
12 timely served responses.

13 5. On September 19, 2023, Plaintiff served initial written discovery on Defendant.
14 Defendant timely served responses.

15 6. On September 19, Defendant served additional written discovery on Plaintiff. Plaintiff
16 timely served responses.

17 7. On October 13, 2023, Defendant served its first supplement to its initial list of witnesses
18 and documents pursuant to Fed. R. Civ. P. 26(e).

19 8. On October 19, 2023, Defendant served its second supplement to its initial list of
20 witnesses and documents pursuant to Fed. R. Civ. P. 26(e).

21 9. On November 14, 2023, Plaintiff served her first supplement to her initial list of
22 witnesses and documents pursuant to Fed. R. Civ. P. 26(e).

23 10. On December 12, 2023, Plaintiff served her second supplement to her initial list of
24 witnesses and documents pursuant to Fed. R. Civ. P. 26(e).

25 11. On January 8, 2024, Plaintiff served her third supplement to her initial list of witnesses
26 and documents pursuant to Fed. R. Civ. P. 26(e).

27 12. On February 6, 2024, Plaintiff served her fourth supplement to her initial list of
28 witnesses and documents pursuant to Fed. R. Civ. P. 26(e).

13. On February 8, 2024, the parties exchanged initial expert witness designations and reports in accordance with Fed. R. Civ. P. 26.1(a)(2).

14. On February 15, 2024, Plaintiff was deposed.

II.

**DISCOVERY TO BE COMPLETED AND REASONS
FOR EXTENSION OF DISCOVERY**

Discovery to be completed includes:

1. Deposition of Defendant 30(b)(6) designee
2. Disclosure of rebuttal expert witnesses
3. Depositions of expert witnesses
4. Depositions of Plaintiff's treating physicians
5. Depositions of store employees

Additional written discovery and depositions as the Parties deem necessary.

The Parties aver, pursuant to Local Rule 6-1, that good cause exists for the requested extension.

III.

REASONS WHY DISCOVERY WAS NOT COMPLETED WITHIN TIME SET BY DISCOVERY PLAN

Pursuant to LR 45-2(a), it is respectfully submitted the continuance is necessary to allow the parties to continue to explore Alternative Dispute Resolution options. The parties previously requested a discovery extension to allow time for ADR. Unfortunately, due to calendaring conflicts the date/time could not be confirmed prior to the instant request.

This Stipulation to Extend Discovery (Third Request) is made in good faith and not for purposes of undue delay.

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IV.

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DISCOVERY DEADLINES

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Discovery cutoff: July 8, 2024
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Amending the pleadings or adding parties: Closed
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Expert disclosures: Closed
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Rebuttal expert disclosures: June 6, 2024
7
Dispositive motions: August 5, 2024
8
Joint Pre-Trial Order: September 5, 2024

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VII.

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[PROPOSED] NEW DISCOVERY DEADLINES

12
Discovery cutoff: *September 6, 2024*
13
Amending the pleadings or adding parties: *Closed*
14
Expert disclosures: *Closed*
15
Rebuttal expert disclosures *August 5, 2024*
16
Dispositive motions: *October 4, 2024*
17
Joint Pre-Trial Order: *November 4, 2024 – suspended until
18
30 days after decision on dispositive
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motions, if filed*

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The Parties aver that this request for extension of discovery deadlines is made by the parties in good faith and not for the purpose of delay.

DATED this 8th day of May, 2024.

DATED this 8th day of May, 2024.

MARSHALL INJURY LAW

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/s/ Eric Marshall

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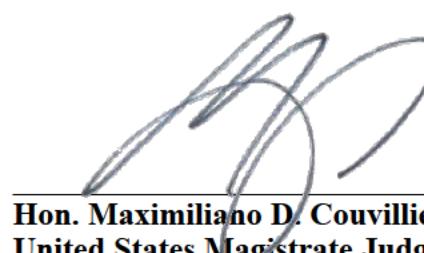
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Attorneys for Defendants

IT IS SO ORDERED:


Hon. Maximiliano D. Couvillier III
United States Magistrate Judge

DATED: 5/15/2024

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